

EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHERRY RIDGE LLC, a Michigan
Limited Liability Company,

Plaintiff/Counter-Defendant,

Case No. 2:12-cv-15126-GAD-MAR
Hon. Gershwin A. Drain

-VS-

CANTON CHARTER TOWNSHIP, a
Michigan Municipal corporation,

Defendant/Counter-Plaintiff.

**AMENDED JUDGMENT IN FAVOR OF DEFENDANT/COUNTER-PLAINTIFF, CANTON
CHARTER TOWNSHIP**

This matter came before the Court on Defendant/Counter-Plaintiff, Canton Charter Township's, Motion for Summary Judgment on the Complaint and Motion for Summary Judgment on the Counterclaim; the parties submitted Briefs, Affidavits, and supporting documents in support of their respective positions; oral argument occurred on December 11, 2013; the Court issued a written Opinion of its findings; and the Court being further advised in the premises:

IT IS HEREBY ORDERED AND ADJUDGED that Defendant/Counter-Plaintiff's Motion for Summary Judgment on Plaintiff/Counter-Defendant's Complaint is granted, and the Complaint and all Plaintiff/Counter-Defendant's claims are dismissed with prejudice, for the reasons contained in the Court's Opinion.

IT IS FURTHER ORDERED AND ADJUDGED that Defendant/Counter Plaintiff's Motion for Summary Judgment on Counts IV through VI of the Counterclaim is hereby granted for the reasons contained in the Court's Opinion.

IT IS FURTHER ORDERED AND ADJUDGED that the remaining Counts of Defendant/Counter-Plaintiff's Counterclaim are dismissed without prejudice.

IT IS FURTHER ORDERED AND ADJUDGED THAT Plaintiff/Counter-Defendant, its successors and assigns, and anyone in concert with it, is permanently enjoined from interfering with the Public Improvements.

IT IS FURTHER ORDERED AND ADJUDGED that Canton Charter Township has lawful interests in all the Public Improvements at issue in this case (depicted on Exhibit A) under common law dedication, as follows:

1. An easement for West Road, curb to curb, (with the exception of the approximate five foot strip of West Road lying on the easterly side and already owned by Canton Charter Township), allowing the use of that road by the general public, as well as an additional area of eight (8) feet on the westerly side of West Road to permit maintenance and repair of West Road (the "West Road Easement");

2. Easements for the utilities at issue in this case (water main, sanitary sewer and storm sewer) installed generally along West Road terminating at the northwest corner of the termination of West Road and Schoolhouse Road on the Concord parcel. The easement for the watermain shall be at a width of twelve (12) feet centered on the existing watermain (the “Watermain Easement”); the easement for the sanitary sewer shall be at a width of twenty (20) feet centered on the existing sanitary sewer line (the “Sanitary Sewer Easement”); and the easement for the storm sewer shall be at a width of twelve (12) feet centered on the existing storm sewer line (the “Storm Sewer Easement”);
3. An easement for the parking lot known as the “Village Parking Lot” located on Parcel Nos. 71-071-99-0006-702 and 71-071-99-0002-704 (the “Paved Parking Lot Easement”), allowing its use for parking by the public, and an additional one (1) foot around the perimeter of the parking lot for future maintenance and repair of the parking lot and curb;
4. An easement for the gravel parking area located west of the Township-owned Human Services Building on Parcel No. 71-071-99-0002-704 (the “Unpaved Parking Lot Easement”) and the driveway thereto (depicted on Exhibit A), allowing its use for parking by the public; and,
5. An easement for the paved driveway and parking area located west of the Township-owned Human Services Building on Parcel No. 71-071-99-0002-704

(depicted on Exhibit A), allowing for ingress/egress around the facility connecting to both West Road and Schoolhouse Road, and allowing its use by the public.

6. An easement for surface drainage and a twenty (20) foot wide easement for all other infrastructure directing or conducting water to the storm water basin and the entire storm water basin located on Parcel No. 71-071-99-0002-704, as well as twenty-five (25) feet from and around the freeboard pursuant to Wayne County standards, and access to the outlet pipe as it goes into the Rouge River, providing reasonable access to the storm water basin for maintenance and repair (the “Storm Water Basin Easement”).

IT IS FURTHER ORDER AND ADJUDGED that a copy of this Judgment shall be recorded with the Wayne County Register of Deeds.

/s/ Gershwin A. Drain
Hon. Gershwin A. Drain

EXHIBIT A

